

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA

v.

ERIC SCOTT RISLEY

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Case No. 2:24-CR-0010-JRG-RSP

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

On November 22, 2024, the undersigned held a final hearing on the Government's petition (#4) to revoke supervised release. The Government was represented by Assistant United States Attorney Allen Hurst. The Defendant, Eric Scott Risley, was represented by Ken Hawk.

Eric Scott Risley was sentenced on February 27, 2020, before The Honorable Terry F. Moorer of the Southern District of Alabama after pleading guilty to the offense of Count 1: Possession of a Firearm by a Prohibited Person (Felon), a Class C felony. This offense carried a statutory maximum imprisonment term of 10 years. The guideline imprisonment range, based on a total offense level of 21 and a criminal history category of III, was 46 to 57 months. Eric Scott Risley was subsequently sentenced to 57 months imprisonment to be followed by a 3-year term of supervised release, subject to the standard conditions of release, plus special conditions to include drug and alcohol testing, substance abuse treatment and submission to search. On February 6, 2024, Eric Scott Risley completed his period of imprisonment and began service of the supervision term in the Southern District of Alabama.

On October 2, 2024, this petition to revoke was filed. In its petition, the Government alleges the Defendant violated the following conditions:

1) Standard: The defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer. Specifically, the Government alleges as follows: On September 20, 2024, Eric Scott Risley failed to be home for a home visit as instructed by the probation officer. On September 23, 2024, Eric Scott Risley failed to report as instructed to the Tyler Supervision Office.

2) Standard: The Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician. Specifically, the Government alleges as follows: On February 8, 2024; June 24, 2024; August 2, 2024; and September 5, 2024; Eric Scott Risley tested positive for methamphetamines.

3) Standard: The Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer. Specifically, the Government alleges as follows: Eric Scott Risley failed to notify the probation officer within seventy-two hours of being questioned by the Hallsville Police Department on September 29, 2024.

4) Special: You shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of U.S. Probation office, until such time as the defendant is released from the program by the probation officer. Specifically, the Government alleges as follows: Eric Scott Risley failed to report for a scheduled drug test on August 14, 2024; September 30, 2024; and October 1, 2024.

The Court scheduled a revocation hearing for November 22, 2024. At the hearing on the Government's petition, and after consenting to the undersigned taking the plea, the Defendant pled true to allegation #2 as set forth above. Based on the Defendant's plea of true to the allegation, and with no objection by the Defendant or the Government, the undersigned found

that the Defendant did violate conditions of his supervised release, as alleged in the U.S. Probation Office's petition.

The undersigned thereafter recommended that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for twelve months + one day, with no supervised release to follow such term of imprisonment. The Court recommended service of sentence at FCI Texarkana. Based on the foregoing, it is

RECOMMENDED that the Defendant's plea of true to allegation #2, as set forth in the Government's petition, be **ACCEPTED**. Based upon the Defendant's plea of true to the allegation, it is further recommended that the Court find that the Defendant violated the conditions of his supervised release. It is further

RECOMMENDED that the Defendant's supervised release be **REVOKED**. It is further **RECOMMENDED** that the Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve months + one day, with no supervised release to follow such term of imprisonment. The Court recommended service of sentence at FCI Texarkana.

At the close of the November 22, 2024 revocation hearing, Defendant, defense counsel, and counsel for the Government each signed a standard form waiving their right to object to the proposed findings and recommendations contained in this report, consenting to revocation of supervised release as recommended herein and to the imposition of the above sentence. Defendant also waived his right to be present and speak before the District Judge imposes the recommended sentence. Therefore, the Court may act on the findings and recommendation immediately.

SIGNED this 22nd day of November, 2024.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE